

BRIEFING
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The federal government in India has embraced religious pluralism, and indeed Article 25 of the Indian Constitution guarantees everyone the right and the freedom to preach, practice and propagate her religion. This is consistent with India's legal obligations under the Universal Declaration of Human Rights, and its enforcing convention, the International Covenant on Civil and Political Rights, which protects the freedom "to have or to adopt a religion or belief of his choice, and freedom ... to manifest his religion or belief in worship, observance, practice, and teaching."¹

Yet many state governments have chosen to exploit religious tensions by enforcing or strengthening anti-conversion laws.² Some of these laws have long been on the books, but the recent enforcement and even strengthening of these laws, particularly by the Hindu nationalist BJP, is alarming. These laws forbid "forcible conversions"—which police and judges have interpreted to mean anything from charity by religious groups to claiming that God would be happier if someone converted to a new religion.

On June 25 of this year, four of Mother Teresa's sisters from the Missionaries of Charity were going about their weekly visit of AIDS patients, as they have in a routine of 20 years, at a hospital in the city of Tirupati, a Hindu pilgrimage site, in the southern state of Andhra Pradesh. Around 50 members of a group³ for the defense of the Hindu religion broke into the hospital, blocked the four sisters and accused them of trying to convert patients. The crowd swelled rapidly to around 300 people and forced the sisters to remain in the hospital until 8.30 p.m., when police officials arrived and took the women to the local police station. There they were charged with proselytising and

¹ ICCPR Article 18(1) reads: "1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

² These laws have been passed in at least five states (Orissa, Madhya Pradesh, Arunachal Pradesh, Gujarat, Chattisgarh) and are being considered right now in other states. Rajasthan and Jarkhand are the latest states to consider such a law. Many of these states are currently ruled by the Hindu nationalist Bharatiya Janata Party (BJP). Madhya Pradesh, in particular, is considering increasing the severity of its law. The new law requires all parties involved in a proposed conversion to inform a magistrate one month in advance.

³ Dharma Parirakshana Samithi.

converting the sick. However, Andhra Pradesh thankfully does not have an anti-conversion law. The women were released about two hours later, after Catholic officials intervened with authorities.

The sisters denied trying to convert anyone. According to *The Hindu*, “The nuns reportedly visited the orthopaedic ward of the TTD-funded hospital in the evening, met Kumar hailing from Tiruthani (Tamil Nadu) who was hospitalised after he met with an accident and asked his name and details for saying a ‘healing prayer’ in a local church.”⁴

It is a sad statement that a Catholic nun’s best defense was that she was not trying to communicate her faith, or that she was not praying for the healing of the sick.

But as in most countries where there is serious and violent religious strife, religion serves as a proxy for other tensions—ethnicity, socio-economic status, political power. For example, the Indian constitution bans discrimination based on one’s caste; however, some parties are disregarding the rights of the Dalits,⁵ untouchables, on many local levels, most recently using anti-conversion laws that prevent Dalits from leaving the caste system by converting to Islam, Christianity, or Buddhism.

Unfortunately, India’s anti-conversion laws have been emulated in other countries within the region. Proposed anti-conversion laws in Sri Lanka and Bangladesh, where leaders have openly stated that they would like to be the next home of the Taliban, were modeled on the Indian versions. In Sri Lanka, a perceived increase in Christian proselytising⁶ prompted militant Buddhist party officials to propose an anti-conversion laws that would impose fines and five to seven years’ imprisonment for anyone who gives material aid to someone of another faith. The government-run *Daily News* in Sri Lanka specifically reported that the language of Sri Lanka’s anti-conversion law, proposed in 2004, was modeled after Indian laws, particularly that of Tamil Nadu.⁷ Laws

⁴ “Four nuns arrested,” *The Hindu*, June 26, 2006, at <http://www.hindu.com/2006/06/26/stories/2006062605860400.htm>.

⁵ Dalits compose 250 million, or 25% of India’s population.

⁶ Sri Lanka’s Ambassador to the US, Devinda Subasinghe, has said that a few instances of genuine proselytising have been reported in Sri Lanka. But most groups are “focusing on delivering the relief people require.” Jane Lampman, “Disaster aid furthers fears of proselytising,” *Christian Science Monitor*, January 31, 2005, at <http://www.csmonitor.com/2005/0131/p11s01-lire.html>.

⁷ The *Daily News* reported:

The Act is based on recommendations put forward by the Buddha Sasana Commission of 2002 which called for the introduction of anti-conversion laws, and the creation of an informal court system or Sanghadhikarana, presided over by Buddhist monks.

The Government is determined to adopt legislation modelled after similar laws in India.

Although Anti-conversion laws are new to Sri Lanka, the concept is not recent phenomena in India. Prior to 1947, several princely states passed such laws e.g., the Sarguja State Apostasy Act (1945), Udaipur State Anti-Conversion Act (1946). Post-independence India

have a normative effect, and while in India there are few convictions (though many arrests) these laws serve to encourage religious discrimination and strife by making the right of individuals to protect their inherited faith, or to change their faith to another, a matter of debate.

Ironically, surrounding India are several states that have based their statehood on the realisation of theocracies that have always excluded Hindus.⁸

In 1961, 18.5% of the population in Bangladesh was Hindu. In the Bangladesh Liberation War of 1971, 10 million Hindus fled as refugees to India. An estimated 3 million Hindus, specifically targeted, were killed by the Pakistan army. By 1974, the Hindu population in Bangladesh had fallen from 18.5% to 13.5%. In 1988, Islam was declared the official religion, and in the latest census of 2001, the percentage of Hindus in Bangladesh had fallen to the single digits, 9.5%.

These anecdotal statistics might help us to understand why Hindus, proud of their reputation as one of the most tolerant belief systems among the world's religions, may feel other religions have taken advantage of that tolerance. There is a feeling that when minority religions, particularly Islam, become majority religions, what is desired is Islamic theocracy, which has never been hospitable to Hinduism. There is a serious push for Islamic theocracy in Bangladesh and Pakistan, and an existing theocracy in Saudi Arabia. In democratic India, only a demographic shift stands in the way.⁹

But ultimately, the anti-conversion laws enacted to protect against either the disruption of an economic and social way of life, or against threat of theocracy, affect the very search for truth that should be most valuable to any truly free society.

saw Congress (I) attempt to pass similar national laws, but its evident bias against Muslims and other minorities saw it fail.

Towards the end of the 1960s and 1970s, various states passed anti-conversion laws in response to Hindu sensitivities over (low-caste) Hindu conversions to non-Hindu faiths. Orissa state passed the Freedom of Religion Act 1967; Madhya Pradesh State passed its version, Dharma Swatantraya Adhiniyam 1968 and; Arunachal Pradesh State passed the Freedom of Religion Act 1978.

“Anti-Conversion Bill - The Tamil Nadu experience,” *Daily News*, July 13, 2004, at <http://www.dailynews.lk/2004/07/13/fea07.html>.

⁸ The Shahi Imam, regarded as the spiritual head of India's Muslims, stated July 18 in a public speech blaming the Mumbai bombings on Hindu forces, “We were rulers here for 800 years. Inshaallah, we shall return to power here once again.” <http://news.webindia123.com/news/articles/India/20060718/394446.html>. Such statements only increase Hindu worries of a potential demographic shift. Further, they do not help the cause of oppressed Muslims, particularly severe in the states of Gujarat and Orissa. For example, in 2002, 2000 Muslims were massacred in the state of Gujarat, but the state did little to protect victims or prosecute offenders.

⁹ In the face of proselytising religions such as Islam, Christianity, or Buddhism, some Hindus perceive unfairness since most Hindus view Hinduism as non-proselytising, and thus at an “inherent disadvantage.”

The anti-conversion laws purportedly aim to target forced conversions, implying that there is an element of force in the conversion, a lack of choice. Yet a website, Christian Aggression, devoted to the alleged misdeeds of Christian work in India reads:

You are probably wondering what is the aggression caused by Christians in India. You may wonder how can a minority religion that is only 3% of the population cause aggression in a nation of over 1,000,000,000 people.... Christianity says that it has a unique path to salvation, and *all the other paths are false*.

(emphasis in original).¹⁰ Whether you believe this claim about Christianity or find it offensive, it is a truth claim. Christian Aggression's main problem with the work of Christians in India is thus the truth claims Christians make about the world.

The site goes on to accuse Christians of violent tactics in conversion efforts. The State Department's comprehensive 2005 International Religious Freedom report do not reflect violent tactics in conversion efforts, and there have been nearly no prosecutions or convictions on that basis. The use of coercive and violent tactics in conversion should be simple to prove, but instead the anti-conversion laws are used simply to harass religious believers.

The more salient point is that even if such objectionable tactics could be demonstrated, there are civil and legal remedies to address tactics violent or coercive that do not entail stifling freedom of conscience. For example, there are laws against assault, false imprisonment, blackmail, defamation, and fraud. The only thing that anti-conversion laws actually add is targeting the very ideas being preached or otherwise shared, not the forced imposition of religion.

A respect for freedom of conscience, utterly necessary for a search for truth, is enshrined in the Hindu scripture, *sarva dharma sadbhav*, "Equal respect for all beliefs."¹¹ This scripture was frequently quoted by Nehru and Gandhi during the last years of the independence movement.¹² It was frequently quoted even during partition and the formation of Pakistan, which broke off from India to form an Islamic state. In a sea of potential Islamic states, the majority Hindus of India chose to respect all religious beliefs

¹⁰ At http://www.christianaggression.org/about_need.php.

¹¹ "Dharma" can mean duty, religion, belief, or ideology so this can be interpreted as freedom of expression for all religions, political views, speech, etc.

¹² There has always existed a tension between a belief in the truth, and whether or not those beliefs should be imparted to others or how they can be discussed and indeed, debated, in the public arena. While he supported "equal respect for all beliefs," Gandhi, who was against all forms of proselytising, apparently limited his support of the concept to people keeping those beliefs to themselves. He wrote, "If I had the power and could legislate, I would certainly stop all proselytising." Mahatma Gandhi, *Collected Works*, Vol 61, page 46-47.

and recognise the truth that freedom of conscience comes from the inherent dignity of man and must not be subject to the fickle will of the state.¹³

The value of truth is enshrined in India's national motto: it is *satyamev jayate*, or "Truth Triumphs." It is based on a longer line from the Hindu Bhagavad Gita, which translates into something like "Only truth is the victor in the long-run." We find similar celebrations about truth in almost every faith tradition, though those traditions disagree about what the truth is. For example, Jesus, who claimed to be "The Way, the Truth, and the Life," said that those who followed him would have the truth, and "the truth shall set you free." We can disagree about whether the truth claims of any single religion are, well, true. But the concept of freedom would be narrow indeed without the ability to assert those truth claims in the first place, even where the claims contradict the truth claims of other religions, implicitly or explicitly.

We work for a number of things among our friends abroad. Democracy, the vote, due process, economic development, and state security, are all aimed at achieving freedom. Yet it is not social order alone that will allow the human spirit to flourish. Truth seeking should be a right, but a society's ability to foster it through freedom of conscience for all, is a privilege that no people can afford to relinquish.

¹³ The erosion of traditional cultures is today a main concern of supporters of anti-conversion laws. Indeed, preservation of social order and traditional cultures are important values, but should be supported in ways that do not inhibit truth searching, particularly by the state.